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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Situation in Viet Nam

Vietnam has signed several international human rights conventions, for instance the International Covenant on Civil and Political Rights or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was elected into the Human Rights Council in November 2013. Despite positive intentions by the government to improve the human rights situation in Vietnam, the overall human rights record remains poor. There are many people imprisoned for expressing their opinion, political attitude or religious belief.

The Vietnamese government represses religious beliefs in unregistered churches by imprisonments and the use of violence in order to force individuals to renounce their faith. In the past, there have been several reports about church demolitions and the confiscation of property. Further, the government uses a specialized religious police force and has established national security laws to suppress independent church followers.

Officially, everyone has the right of free speech as it is guaranteed by the new 2014 constitution. However, the Vietnamese government has launched several laws that give authorities the opportunity to persecute potential dissidents. Article 79 ("subversion of the administration"), 87 ("undermining national unity") and 88 ("conducting propaganda against the state") of the penal code are often used to silence critics. There is hardly any chance for government-critical voices to use their right of freedom of speech, as it is guaranteed by the article 19 of the UN International Covenant on Civil and Political Rights, which is also signed by Vietnam. In addition, prison conditions are extremely harsh. Trials fall short of internationally accepted standards. There is a lack of access to medical care.

Further, public media is fully regulated by the state. Most of the editors, publishers or journalists are members of the ruling Communist Party of Vietnam. The one-party state controls press and media and misuses it for its own messages. On September 1st of 2013, the decree 72 was launched for total surveillance of the internet. The decree restricts internet users to share and comment the latest news on the internet. Officially, the decree was issued to enforce copyrights. In reality, it can be used by the government to prevent and punish the spreading of unwanted content. In March and May 2014, four arrests of bloggers were made for posting articles "with bad content and incorrect information that reduces prestige and trust in state agencies".

Legislatively, the government allows freedom of religious belief as well as non-belief. However, the government requires the registration of all activities by religious groups and uses this requirement to restrict activities. Despite some positive changes over the past decade, the Vietnamese government continues to routinely persecute individuals for their religious activity or religious freedom advocacy. The government often refers to article 258 (Abusing democratic freedoms to infringe upon the interests of the State) to imprison followers of religions that are not officially recognized. In addition, decree 92 helps the Vietnamese authorities to reinforce control over religious communities and the spread of religion. Since January 1st 2013, when the decree was updated, each religious community that wishes to gain legal status has to announce and to register every single activity and step of organisation (e.g. ordination and ceremonies, donations, expansions of religious venues). For the government, this gives the opportunity for total control. Furthermore, in order to obtain legal status, the new decree requires that a religious group has to have 20 years or more of "stable" religious meetings, meaning a spotless criminal and administrative record, assessed by a commune-level peoples' committee.
In 2013, the targets of persecution were the Unified Buddhist Church of Vietnam, Hoa Hao and Cao Dai, Khmer Buddhists, Catholic and Protestant house churches in the Central Highlands and Hmong Christians.

There is only one Hoa Hao group that is officially recognized by the government. Hoa Hao Buddhists of other independent communities are being threatened by harassment, discrimination, loss of jobs, restriction of celebrations, prohibition of public readings and raids. Followers were beaten, pagodas were shut down and properties have been confiscated or destroyed. Followers of independent groups like the Hoa Hao Central Buddhist Church have been arrested and sentenced to terms of up to four years for staging hunger strikes, distributing the writings of their founding prophet, holding ceremonies and holiday celebrations, or interfering as police tried to break up worship activities.

In July 2013, the police raided a temple in Tien Giang province of an independent branch of the Cao Dai church. The Long Binh temple was closed and its property turned to the state-approved Cao Dai group.

There are ongoing restrictions by Vietnamese authorities on the language, culture and religion of the ethnic Khmer Buddhists. In 2013, Vietnamese authorities targeted Ta Set and Prey Chop temples in the Soc Trang province. Several Monks have been defrocked, four were arrested and sentenced up to six years in prison, others are seeking asylum in other countries.

In November 2013, the government sentenced four ethnic minority Montagnard members of the Ha Mon Catholic movement to between six months and nine years in prison for "undermining national unity". Previous arrests of eight members of an independent Catholic movement were made in May, resulting in their imprisonment for three and eleven years for "undermining unity" and "sowing ethnic and religious hatred". The police and local officials in Kontum and Dak Lak province continue their campaign to prevent the growth of the Ha Mon Catholic community. In recent years, the Vietnamese government has tried to stop the growth of Protestantism in the Northwest provinces. Religious leaders reported increased threats and restrictions on evangelism and pressure on new converts to recant their faith.

In March 2014, arrests of three Hmong Christians were reported, who were subsequently sentenced to 15, 18 and 21 months in jail for defying a government campaign, thereby forcing the ethnic minority to return to older funeral practices.

Many of the 53 ethnic minorities living in Vietnam (approximately12 million people) must fear persecution due to ethnicity and religious belief. They are often followers of prohibited Christian or other churches. Additionally, following the coffee boom beginning in 1996, more than 400,000 members of the majority Kinh population have been settling in the Dak Lak province in the Central Highlands. There, the number of the minorities living here has been steadily reduced, from originally 99 percent to barely 30 percent of the total population.

Over the past years, there have been countless repossessions of farm land due to coffee cultivation. The farmers who traditionally lived from the subsistence economy are steadily driven out by the new settlers from the plains, who take over the most fertile tracts.

The Society for Threatened Peoples therefore calls on the UN Human Rights Council to urge the Vietnamese government to:

- Immediately release all political and religious prisoners, including those imprisoned or detained on account of their advocacy of human rights;
- Publicly commit to respect the right to freedom of expression;
- Take steps to ensure that human rights defenders, peaceful activists and religious followers are free from violence, discrimination and the threat of criminalisation;
- Allow all religious groups that do not wish to affiliate with official organizations to organize and operate independently without restrictions or harassment;
- Revise or repeal ordinances, decrees, and criminal code provisions that empower local security police to arrest, imprison, and hold citizens in administrative detention for vague national security or national solidarity offences;
- Ensure that the Internet decrees, the Press law and the Publishing law are in line with the international human rights law and standards;
- Suspend the execution of all death sentence and abolish the death penalty.